

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

COREY BRACEY,

Plaintiff,

v.

CORRECTIONS OFFICER I COREY
VALENCIA; MCLAREN MEDICAL
LABORATORY; LABORATORY
DIRECTOR, DENNIS W. SPENCER, MD;
WARD MEDICAL LABORATORY;
LABORATORY DIRECTOR, WILLIAM G.
FLINN, MD; GARCIA CLINICAL
LABORATORY; LABORATORY
DIRECTOR, LORENZ P. KIELHORN, MD,
MORRIS, COLGAN,

Defendants.

Civil No.: 19-1385

Magistrate Judge Kelly

Electronically Filed.

**DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE
TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

AND NOW, come the defendants, Colgan, Morris, and Valencia, ("the Corrections Defendants"), by their attorney, Sarah J. Simkin, Deputy Attorney General, and Matthew C. Gill, Deputy Attorney General, make the following Reply to Plaintiff's Response [ECF 203] to the Defendants' Motion for Summary Judgment:

Initially, the Defendants will largely stand on their principal brief in support of summary judgment. The Defendants do note that Plaintiff asserts that he has two separate types of Eighth Amendment claims against Defendant Morris, a claim of Excessive Force and a claim of Deliberate Indifference, in addition to his claim of conspiracy. In support of this contention Plaintiff cites to a paragraph in the operative complaint pertaining to Defendant Valencia, not Defendant Morris. The Defendants respectfully assert that to the extent this second Eighth

Amendment claim is asserted against Defendant Morris, their argument regarding Plaintiff's failure to administratively exhaust as to Defendant Morris is applicable.

WHEREFORE, the Defendants respectfully request that the Defendants' Partial Motion for Summary Judgment be granted and that judgment be entered in favor of the Defendant Morris and against Plaintiff on all claims in the operative Complaint [ECF 107].

Respectfully submitted,

JOSH SHAPIRO
Attorney General

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Date: May 13, 2022

s/ Sarah J. Simkin
Sarah J. Simkin
Deputy Attorney General
Attorney I.D. No. 320646

Matthew C. Gill
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within ***CORRECTIONS DEFENDANTS' REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT*** was served upon the following via US Mail:

Smart Communications/PADOC
Corey Bracey, GS-4754
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Pro Se Plaintiff

By: /s/ Sarah J. Simkin
SARAH J. SIMKIN
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Date: May 13, 2022